

SENATE BILL REPORT

SHB 1856

As Reported by Senate Committee On:
Human Services & Corrections, March 24, 2009

Title: An act relating to protecting victims of sexual assault, sexual harassment, and stalking.

Brief Description: Providing certain procedures for tenants who are victims of sexual assault, unlawful harassment, and stalking.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell).

Brief History: Passed House: 3/04/09, 95-0.

Committee Activity: Human Services & Corrections: 3/24/09 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: The Residential Landlord-Tenant Act (RLTA) regulates the relationship between tenants and landlords. The RLTA provides requirements, duties, rights, and remedies with respect to the landlord and tenant relationship.

Generally, a rental agreement will establish a tenancy for a specified period of time or a periodic tenancy (e.g., month to month). A tenancy for a specified time is terminated at the end of the period specified. A periodic tenancy is automatically renewed for another period until terminated by either the landlord or the tenant by giving at least 20 days notice prior to the end of the period.

The RLTA specifies certain circumstances under which a landlord or tenant may terminate a tenancy without further obligation under the agreement. One of those circumstances is where the tenant is a victim of domestic violence, sexual assault, or stalking. If a tenant has a valid order of protection or the tenant reports the domestic violence to a qualified third party and

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the qualified third party provides and signs a written record of the report, the tenant may terminate the tenant's rental agreement. The request to terminate the tenancy must occur within 90 days of the reported act and the tenant must provide a copy of the order or report to the landlord.

A qualified third party is defined as a law enforcement officer, a health professional, court personnel, a mental health professional, a crime victim advocate, or a member of the clergy. A written record of report must include the time and location that the act occurred, a brief description of the act or acts of domestic violence, and that the tenant informed the qualified third party of the name of the alleged perpetrator. The name of the perpetrator must not be included in the report. A model form is prescribed by statute.

Summary of Bill (Recommended Amendments): If a tenant is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may terminate the rental agreement prior to obtaining a valid order of protection or a written record of report signed by a qualified third party if the tenant provides a copy of an order or report to the landlord within seven days of quitting the tenant's dwelling unit.

Unlawful harassment is defined. Landlord is defined to include employees of the landlord. On written request of the landlord, the qualified third party must provide the name of the alleged perpetrator to the landlord.

A tenant who is a victim of sexual assault, stalking, or unlawful harassment by a landlord may change or add locks to the tenant's dwelling unit at the tenant's expense. A protection order or written record of report from a qualified third party must be provided to the landlord within seven days of changing the locks. The tenant's rental agreement will automatically terminate in 90 days unless:

- the tenant notifies the landlord within 60 days that the tenant does not wish to terminate the tenancy. If the perpetrator is no longer employed at the premises, the tenant must provide the landlord with a key; and
- the tenant exercises his or her right to terminate the tenancy within 60 days of changing the locks.

A landlord may enter the tenant's dwelling unit in an emergency if accompanied by a law enforcement official. A tenant must make arrangements for a landlord to enter the premises if the landlord utilizes current statutory procedures and gives the tenant a specific time and date for entering. Upon vacating the unit, the tenant must provide the key and all copies of the key to the landlord.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): A technical language correction is made to replace the provision addressing when the perpetrator is named in the qualified third party report with the condition of when the perpetrator has been identified by the qualified third party.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: PRO: This is a good bill that will enhance safety provisions for tenants. We don't know the exact incidence of abuse in this area, but we know from national statistics that this does occur. In-state polling also shows that it has occurred in this state. This addresses the unique circumstances when a victim is suffering abuse at the hands of his or her landlord. There is a gap in the current law when the perpetrator is the landlord or an employee of the landlord. A landlord has unique access to the victim. There is no evidence that the current processes are being misused and therefore no reason to believe that these provisions will be misused either.

There has been a great deal of collaboration on this bill. If someone is harassing tenants, the perpetrator should be stopped and the victim should have access to remedies.

Persons Testifying: PRO: Representative Kessler, prime sponsor; Andrea Piper, Washington Coalition of Sexual Assault Programs; Eric Mewhinney, Washington Apartment Association and Washington Real Estate Coalition.